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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,467	01/26/2000	Yoshifumi Sakamoto	13178(JA998-139)	8561
7590	02/12/2004		EXAMINER	
Richard L Catania Scully Scott Murphy & Presser 400 Garden City Plaza Garden City, NY 11530			MA, JOHNNY	
			ART UNIT	PAPER NUMBER
			2614	
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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/491,467	SAKAMOTO ET AL.
	Examiner Johnny Ma	Art Unit 2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 7/11/2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-9 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-9 and 12-16 is/are rejected.
- 7) Claim(s) 8,9,12-16 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)                  4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                  5) Notice of Informal Patent Application (PTO-152)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.                  6) Other:

## DETAILED ACTION

### *Response to Arguments*

1. In response to applicant's argument, with regard to claim 12, where applicants fail to note the particular formal grounds of rejection, inasmuch as the language therein does not appear to be objectionable and is clear in its content. The examiner would like to point out that claim 12 was rejected as indefinite because of its dependency of rejected indefinite claim 8.
2. In regard to the Darbee et al. reference, the applicant argues the Darbee et al. reference does not in any manner employ an electronic program guide. To the contrary, the present invention is directed to receive EPG data from a receiver unit and then to utilize the latter in order to enable the display of the selected programs. This has nothing in common with the fundamental concept of Darbee et al., which merely is a currently employed standard remote control display. However, the examiner respectfully disagrees, the Darbee reference clearly discloses receiving EPG data from a receiver unit and then to utilize the latter in order to enable the display of the selected programs. where in one particularly innovative aspect, the present invention is directed to **a remote control unit having a graphic display for depicting program scheduling and/or advertising information** without causing an interruption in content that is being depicted on an associated television monitor (2:45-49). The Darbee et al. reference also discloses it will also be appreciated that, by depressing the EZ NAV key, it is possible to effect channel selections. For example, if a program depicted on the display 14 of the remote control unit 10 is highlighted, one need only depress the EZ NAV key 20 to select that channel for viewing on an associated television set (not shown) (11:5-11). The Darbee et al. reference also discloses a remote control unit with an IR or RF communication link to an associated set-top box

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(8:48-52) where the **remote control unit includes an IR or RF transmitting and receiving circuits** (7:10, 18-21). Clearly, the EPG data displayed on the remote control device is received from the set-top box via the disclosed communication link. Moreover, the Darbee et al. reference specifically discloses the receipt of locally broadcast program and advertising data is received by the remote control from the set top box (9:1-20).

3. In regard to the Huang et al. reference, the applicant argues although this publication is adapted to select a TV program out of a program table employing a Palm device, the acquisition procedure is different from receiving EPG from a receiver unit. To the contrary, the unique aspect of the present invention is to obtain the EPG data through initially the digital broadcast receiver. The EPG data is then processed in the program display and selecting apparatus, whereby this is fundamentally distinct and inventive in comparison with the Huang et al. patent, irrespective as to whether this is considered singly or in combination with Darbee et al. However, the examiner respectfully disagrees. The Darbee et al. reference clearly discloses obtaining EPG data through initially the digital broadcast receiver. Furthermore, the Huang et al. reference, as cited in the previous Office Action, was relied upon solely for its teaching of a touch panel functionality. Therefore, applicant's argument in regard to the Huang et al. reference is moot.

#### *Claim Objections*

4. Claim 8 is objected to because of the following informalities: The language that appears in claim 8 is inconsistent from claims that have been previously presented throughout prosecution and the remaining present claims. Specifically claims 8 currently recites "a receiving means for receiving EPG data transmitted from a selecting apparatus" whereas previously, as

well as in claim 1, the claim recited “a receiving means for receiving EPG data transmitted from a selecting apparatus.” However, for the purpose of examination, the examiner will interpret the limitation in claim 8, “a receiving means for receiving EPG data transmitted from a selecting apparatus” to read “a receiving means for receiving EPG data transmitted from the digital broadcast receiver; a selecting apparatus.” Furthermore, if interpreted literally, there is no support for the limitation as claimed.

5. Claims 9 and 12-16, are dependent on claim 8, are also objected to for the same reasons set forth in the objection of claim 8.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-5, 7-9, 12, 13, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee et al. (US 6,130,726) in further view of Donnelly (US 6,460,181 B1).

As to claim 1, note the Darbee et al. reference discloses a program guide on a remote control display. The claimed receiver having a transmitting means for transmitting electronic program guide (EPG) is met by program guide information transmitted to remote control via an IR or RF communication link to an associated set-top box (8:44-52). The claimed EPG data contained in a received broadcast data is met by program guide and advertising data signal may be combined with television channel signals on a coaxial cable to form a composite signal where the composite signal may be broadcast by a content provider, such as a cable company or

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satellite network, and delivered to a set-top box (8:58-66). The claimed a program display and selecting apparatus having a receiving means for receiving the EPG data transmitted from said broadcast receiver is met by remote control unit includes an IR or RF transmitting and receiving circuits (7:10,18-21). The claimed “said program display and selecting apparatus comprising a displaying means for concurrently displaying the received EPG data” is met by remote control unit having a graphic display for depicting program scheduling and/or advertising information without causing an interruption in content that is being depicted on an associated television monitor (2:45-50). The Darbee et al. reference does not specifically disclose a digital broadcast receiving set-top box transmitting electronic program guide data in a received digital broadcast data. However, this is not considered a patentable distinction. Now note the Donnelly reference which discloses the transmission of program guide information in a digital signal (Donnelly 3:40-45) where transmission of television signals with programming guide information in an analog or digital signal is well known (Donnelly 3:11-16). Therefore the examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time the invention was made to modify the Darbee et al. reference set-top box with the Donnelly transmission of programming guide information in a digital signal broadcast for the purpose of providing using a transmission protocol that is capable of broadcasting a greater amount of programming to a viewer.

As to claim 3, the claimed “said digital broadcast receiver periodically transmits EPG data” is met by the rolling over of guide information at 4:00 am each day (Darbee et al. 8:20-23). Note the Darbee et al. reference also discloses that it may be desirable to transmit blocks of

program guide data to the remote control unit over additional intervals or, possibly, at random times (9:14-16), which satisfies the claimed periodic transmission of EPG data.

As to claim 4, wherein said program display and selecting apparatus comprises an operation means for operating said digital broadcast receiver. The Darbee et al. reference discloses a program executed by the microprocessor enables the remote control unit to perform conventional operations including, for example, ON, OFF, Volume up or Down and Channel Up or Down functions (7:43-49), which satisfies the claimed operation means for operating said digital broadcast receiver. Note, it is understood that the remote control disclosed in the Darbee et al. reference has a communication link to the set-top box (8:50-52) and thus remote control commands are directed toward the operation of said set-top box.

As to claim 5, wherein said program display and selecting apparatus comprises a transmitting means for transmitting operation information inputted into said operation means to said digital broadcast receiver; and said digital receiver comprises a receiving means for receiving the operational information transmitted from said program display and selecting apparatus. The Darbee et al. reference discloses a communication link between a remote control unit and an associated set-top box (8:50-52). The Darbee et al. reference also discloses a remote control unit including IR transmitting and receiving circuits (7:10). The Darbee et al. reference does not specifically disclose a receiver comprising a receiving means for receiving the operation information transmitted from said program display and selecting apparatus but it is nonetheless inherent in the device for the purpose of establish a communication link between a remote control and set-top box.

As to claim 7, wherein said operation means selects a program to be monitored. The Darbee et al. reference discloses that if a program depicted on the display 14 of the remote control unit 10 is highlighted, one need only depress the EZ NAV key 20 to select that channel for viewing on an associated television set (11:8-11, also see Figure 1 and 8), which satisfies the claimed operation means selects a program to be monitored.

As to claim 8, note the Darbee et al. reference discloses a program guide on a remote control display. The claimed broadcast receiver comprising a transmitting means for transmitting EPG (electronic program guide) data is met by program guide information transmitted to remote control via an IR or RF communication link to an associated set-top box (8:44-52). The claimed data contained in a received broadcast data is met by program guide and advertising data signal may be combined with television channel signals on a coaxial cable to form a composite signal where the composite signal may be broadcast by a content provider, such as a cable company or satellite network, and delivered to a set-top box (8:58-66). The claimed a receiving means for receiving EPG data transmitted from the broadcast receiver is met by remote control unit includes an IR or RF transmitting and receiving circuits (7:10,18-21). The claimed “a selecting apparatus; said selecting apparatus comprising a display means for concurrently displaying said received EPG data” is met by remote control unit having a graphic display for depicting program scheduling and/or advertising information without causing an interruption in content that is being depicted on an associated television monitor (2:45-50). The Darbee et al. reference does not specifically disclose a digital broadcast receiving set-top box transmitting electronic program guide data in a received digital broadcast data. However, this is not considered a patentable distinction. Now note the Donnelly reference which discloses the

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transmission of program guide information in a digital signal (Donnelly 3:40-45) where transmission of television signals with programming guide information in an analog or digital signal is well known (Donnelly 3:11-16). Therefore the examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time the invention was made to modify the Darbee et al. reference set-top box with the Donnelly transmission of programming guide information in a digital signal broadcast for the purpose of providing using a transmission protocol that is capable of broadcasting a greater amount of programming to a viewer.

As to claim 9, the claimed "said digital broadcast receiver periodically transmits EPG data" is met by the rolling over of guide information at 4:00 am each day (Darbee et al. 8:20-23). Note the Darbee et al. reference also discloses that it may be desirable to transmit blocks of program guide data to the remote control unit over additional intervals or, possibly, at random times (9:14-16), which satisfies the claimed periodic transmission of EPG data.

As to claim 12, an operation means for operating said digital broadcast receiver. The Darbee et al. reference discloses a program executed by the microprocessor enables the remote control unit to perform conventional operations including, for example, ON, OFF, Volume up or Down and Channel Up or Down functions (7:43-49), which satisfies the claimed operation means for operating said digital broadcast receiver. Note, it is understood that the remote control disclosed in the Darbee et al. reference has a communication link to the set-top box (8:50-52) and thus remote control commands are directed toward the operation of said set-top box.

As to claim 13, the claimed "comprising a transmitting means for transmitting the operational information input into said operation means to said digital broadcast receiver" is met by a communication link between a remote control unit and an associated set-top box (8:50-52),

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wherein a remote control unit including IR transmitting and receiving circuits (7:10), where it is understood operation information is transmitted via the IR communication means.

As to claim 15, the claimed “wherein said operation means selects a program to be monitored” is met by “...if a program depicted on the display 14 of the remote control unit 10 is highlighted, one need only depress the EZ NAV key 20 to select that channel for viewing on an associated television set” (Darbee et al. 11:5-11).

As to claim 16, note the Darbee et al. reference discloses a program guide on a remote control display. The claimed broadcast receiver comprising a transmitting means for transmitting EPG (electronic program guide) data is met by program guide information transmitted to remote control via an IR or RF communication link to an associated set-top box (8:44-52). The claimed data contained in a received broadcast data is met by program guide and advertising data signal may be combined with television channel signals on a coaxial cable to form a composite signal where the composite signal may be broadcast by a content provider, such as a cable company or satellite network, and delivered to a set-top box (8:58-66). As to the claimed “receiving means for receiving the operational information transmitted from the program display and selected apparatus as claimed in claims 13, please see that which is set forth in the rejections of claims 8, 12, and 13.

8. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee et al. (US 6,130,726) in further view of Donnelly (US 6,460,181 B1) and Huang et al. (US 6,437,836).

As to claim 6, the Darbee et al. and Donnelly references discloses all the limitations of claim 4. However the Darbee et al. reference does not disclose wherein said operation means

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comprises a touch panel. The Huang et al. reference discloses operation means comprises a touch panel where an electronic program guide is seamlessly integrated with the remote: clicking on a program will allow one to immediately change to that program (Huang et al. 5:26-28, also see Figure 1A). Therefore, it would have been clearly obvious to one of ordinary skill in the art at the time the invention to modify the Darbee et al. remote control with the Huang et al. remote control system to provide specialized functionality and features by dynamically constructing the user's remote control buttons on a graphical touch screen (Huang et al. 4:23-27).

As to claim 14, the Darbee et al. and Donnelly references discloses all the limitations of claim 12. However the Darbee et al. reference does not disclose wherein said operation means comprises a touch panel. The Huang et al. reference discloses operation means comprises a touch panel where an electronic program guide is seamlessly integrated with the remote: clicking on a program will allow one to immediately change to that program (Huang et al. 5:26-28, also see Figure 1A). Therefore, it would have been clearly obvious to one of ordinary skill in the art at the time the invention to modify the Darbee et al. remote control with the Huang et al. remote control system to provide specialized functionality and features by dynamically constructing the user's remote control buttons on a graphical touch screen (Huang et al. 4:23-27).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Shintani et al. reference (US 2003/0093813 A1) discloses a bi-directional remote control unit and method of using the same.

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The Thompson et al. reference (US 6,504,580 B1) discloses a non-telephonic, non-remote controller, wireless information presentation device with advertising display.

The Baker et al. reference (US 6,597,374 B1) discloses an activity based remote control unit.

The Allport reference (US 2002/0184625 A1) discloses a method of data display for electronic program guides (EPGS) on a remote control.

The Allport reference (US 6,104,334) discloses portable internet-enabled controller and information browser for consumer devices.

The Allport reference (US 6,567,984 B1) discloses a system for viewing multiple data streams simultaneously.

The Wharton et al. reference (US 5,831,664) discloses a method and system for synchronizing data between at least one mobile interface device and an interactive terminal.

The Chaney et al. reference (US 5,867,207) discloses a program guide in a digital video system.

The Kim et al. reference (US 6,405,372 B1) discloses a method for updating electronic program guide information and device thereof in a digital TV receiver.

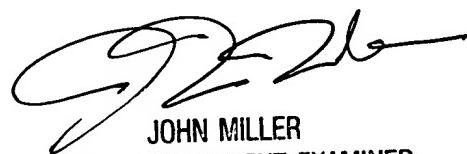
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (703) 305-8099. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-HELP.

jm



JOHN MILLER  
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